

Beaver Meeting - Sept. 30, 1970.

LAMBERT: I think it is time to start. I appreciate this many people coming. We feel that we would like to get over what we are doing to as many people as possible. Several years ago we held a policy meeting and outlined what the State Engineer's policy would be for the future at that particular time and at that time we set out certain perocedures that would be followed, and I think up to the present time these have been followed as stated in the meeting, that in the meantime we have had some changes in operations in the valley, some changes in basic philosophy and in conformance with what I said at the last meeting the State Engineer wouldn't change any policy officially without an official meeting. We felt that there is enough involved here that we would call another special meeting and bring you up to date on everything that has been handled up to now and then ask for your comments, any comments you may wish to give and followed by a statement of policy aga in, either reiterating what we said before or making changes which would outline the policy of the State Engineer for the future or until notice. That meeting would be called. We ~~xxx~~ have informed as many as we can on these meetings, we don't attempt to guarantee we get everybody notified, but we feel that there has been enough notified that it should get to everybody that would be involved, particularly by these policy changes. We would like to bring you up to date on the investigations we have had up to now and some of the basic on your water rights -. So the first thing we will have this afternoon is a doctrination of your water rights as have been compiled by Mr. Stoker of the Cedar City Area office. Now I would request that you refrain from asking any questions during the presentation of the two fellows that will give this information, Mr. Stoker first on the water rights and Mr. Hood and Mr. Sandberg on water level information and a study that is going to be a in the Milford area and the near future and it's relationship to the surrounding area by the cooperation agreement of the U.S. Geological Survey and the State Engineer.

GERALD STOKER: Gentlemen there is a lot of facts and figures here, I don't expect you to remember them because I have a hard time myself even after I've got my diploma. But this will give you a brief rundown description of what you have available, approved or perfected. From the proposed determination of the Beaver River Decree we have taken 513 claims into the valley and this amounts to 165 sec.-ft. of water from primary rights, these are your surface rights, and they have computed that there 75,000 ac.-ft.)cough) from your water shed. Most specifically, from the proposed determination of other rights we have researched _____ cannot understand.

MR. HOOD: Mr. Sandberg and I are employees of the U.S. Geological Survey ~~Department of Parks and Interior~~. Since the 1870's especially since about 1890 we have been charged with among other things setting up water supplies in the United States. The information we gather _____ individual wells, and make chemical analysis of water are available to anyone. Anyone who comes into our office and asks for this information, I'll give it. Our Main office ^{Federal Building} is in the ~~federal office~~ in Salt Lake City. Now, the work that we do is _____ we do this in order to do a better job by making more work such available for ~~xxxx~~ study. Moreover the people cooperate with our _____ likely are going to agencies who know such things about water information

Now, Our work in Beaver Valley has extended over a number of years as the work that we are given here now is minimal.

Several pages skipped
because of inability
to understand the tape.

MR. LAMBERT: There is one other thing I should mention here since you are all here and this is the proposed determination of water rights which have been I think delivered to all parties here. This determination has had a considerable number of protests relative to _____ this protests are directed mainly to the fact that you have some unusual conditions in Beaver Valley, but ~~we~~ recharge conditions and water source of springs, etc. and I feel that in light of these protests that the State Engineer before this Decree becomes settled or even received further would like to have some more information based on some of these things which have been stated in the protests of the various water users. I, for that reason and for other reasons out in Milford where we have had a decline in water table for quite a number of ~~w~~ years and an area where interference of the general type has been rather dominant for quite a number of years with a declining water table that information as the State Engineer has been requested out there to cut priority of underground ~~water~~ well, I have been reluctant to do this for one basic reason not that I think ~~an~~ in any way that it ~~can't~~ can't be done because it can be done. I ~~am~~ just returned from the conference of the western state Engineers and there is three States that are doing it all the times One in Oregon, North Dakota, and New Mexico, but I feel that we should ^{don't} cut priorities which in doing this would ~~be~~ deprive a means of livelihood of a later priority without much recourse. And for this reason, and for reasons that have been brought out in the Beaver Valley Area where we have some perhaps unusual ~~at~~ situations of water supply and recharge we have initiated really two studies here with the U.S. Geological Survey. We have have ~~from~~ from them couple of studies at Milford, one at Beaver that are of kind of a general type that doesn't give us the answers that we need to make proper definition of what the policy will be and so we have and will be starting about July 1, the first phase of that would be to take an analysis of Milford valley, a very careful analysis to see where the recharge may be'

coming from and what the degree of recharge is for various areas and so on. Now that ~~xxxxx~~ project will of course come to a publication and as soon as we have information on it that will be of interest to the people here, and the people of Milford we will call a public meeting and have them report to you on that particular project. I think the people of Beaver Valley are very concerned about this for one reason, that from all indications in the past from all calculations we have had from other detailed studies, of course, it is felt that a considerable amount of the recharge of the Milford Area has come from Beaver Valley. And of course in the various rules of water administration you can't treat two segments of a recharge section separately. And so that relationship I think prompted us to ^{set} ~~study~~ policy in both Milford and Beaver. Now we set one in Milford many years ago and there has been no development out there for irrigation, domestic, or any other type of development now for a number of years but I can't say exactly how many years, and we in 1966 said we would approve no more applications in Beaver Valley until we had this relationship worked out. Now, it is the purpose of the State Engineer as soon as this detail of water supply and transfer of water from one basin to another is worked out in Milford that we will want to do the same thing here in Beaver Valley relative to your recharge and canal zones your old lake levels here and their relationship to water springs and sloughs that are in the valley itself. I'm sure, and the State Engineer is aware that construction of the new freeway is done some disturbing of the basic water flow from the valley. I think this study most certainly want to consider what happened actually there in a way so that we can decide what should be done about that. So ~~xxxxx~~ with that in mind, I feel as soon as we get some more basic information on Milford and Beaver Valley Area that so we can tie down maybe these exceptions that some of you are worrying about then we will meet with you and work out any exceptions that we need to make to the 4 ac.-ft. per acre based upon a little more knowhow than we have now.

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I would feel that these exceptions are not in the duty of such, I think the duty itself should remain fairly stable. But in all of your books if you would ~~xxxx~~ note it carefully, there is another column there that says "diversion requirements which is something outside the duty in some instances and it would be this column that would have to be adjusted in the final determination of water in the Beaver Valley. I think to further read your proposed determination you will find that the State Engineer states in there that we are not making at this time any recommendation on this particular fact of the determination because; we didn't feel that we had enough information and that the State Engineer would take that under study and of course give a recommendation later on. Now, I think that should bring you up to date on your adjudication. Now, how fast the U.S.G.S. can move on these two projects and give us the information that we need we will have to see, but we are not going to finalize the determination until we have it and have a chance to work out any exceptions to the general rule that is made just here in Beaver Valley. There is no adjudication conducted here in the State that we don't get this exception and flaw. We have one up in Summit County at the present time that we have been studying for 10 years trying to determine what we want to put in this other particular column. I think with that explanation on determination that will bring you up to date on that, although that wasn't the purpose of the meeting and we have now given you some given you some data here relative to these questions about the _____ Beaver River Distribution System. I have read now the interim letter of policy which I ~~had~~ gave Mr. Hughes to clarify the sub-division policy that we have had for the last 4 years. With that I will open the meeting up to any questions or comments you want to ask any of the boys here or myself and at the close of the comments and the questions I will again state what the ~~policy~~ policies of the State Engineer will be in the future or until another meeting publically would be held. So is there any questions that any of you may have at this time?

_____ Beaver River Water Users Assoc. The questions I would like to
made a
know You/~~make~~ statement I thought that you were going to determine the water
policy after this meeting. I would like to know if this policy that you read
still stands.

LAMBERT: I'll answer that at the end of the meeting. I will say preliminary
to my answer if you wish to have it answered right now, that this basic
policy is still in force but they are going to go a little bit _____.
There will be no sub-divisions allowed in Beaver Valley.

_____ cannot understand

LAMBERT: As far as we are concerned as an administrative unit, Beaver Valley
is
a one unit basin with the over flow at the Minersville Dam. And with that
in mind you could say then that the whole valley and it's drainage hydrologic
system. Now generally we will permit the moving of water anywhere within a
hydrologic basin that doesn't individually hurt somebody. Now, we have just
gone to court up here in Murray on this very principle and the _____
said that as long as it is reasonable and administratively advisable that
there is no legal remedy for a general loss in the water table. But of
course if you affect somebody in the ~~move~~ move then ^{plus} a few things will have to
be done, either the mover will be stopped or there has to be a just compen-
sation made. ~~But it is still has not ruled out that if you affect somebody in~~
~~the move~~

_____ cannot understand

LAMBERT: Now I am not saying that we have permanently closed the Beaver
Valley, I don't know. We have temporarily closed it; until we find more
information.

LAMBERT: We don't encourage long ~~xxx~~ transfers. ~~We~~
area

Gil _____: I'm one of the new comers to the ~~xxx~~ here . We build a
home right on the Beaver Creek. I wonder, the water that is diverted back
up over this canal ~~gakes~~ goes up past the Beaver Power Plant #2. It is used

apparently for irrigation and to run the power plant. ~~Alut~~ About three months out of the year the creek is completely dry. I'm wondering, does all that water have to be diverted up through there, or can some of it continue down the creek throughout the year. About September or October, you just haven't got a drop in there.

.....LAMBERT: but to wish to keep a base flow in all of the creeks for fish culture and recreation, they call having your home on the side of the creek a recreation. I've opposed these individuals ^{has} in many public meetings and this/got real involved in Utah County where we have _____ comes up and see the dead fish raises a real rumpus about it and I have told them that the water has to be diverted on the ~~basic~~ ~~but~~ basic water right. If the water rights cover all the water on that stream, then they have a perfect right to draw the water out. If somebody wants to have a base flow in that stream then the only way that they ~~can~~ can get that would be to purchase some water from the _____ canal or from some canal or some source and then file a change ~~with~~ to have that water which they purchased run down the creek, and we call that recreation water. We could not and would not take any water away from a basic water right.

I think the ~~Beaver~~ Beaver River was pretty much appropriated 100 years ago too. So you couldn't come in at any time _____ cannot understand

LAMBERT: Of course if you made the purchase and made the change then it would have to be advertised and anybody who didn't like it would get to have his say before the State Engineer

ROY YARDLY: We find through our study on this new determination that you have made a tremendous amount of errors in the acreage. Now you get the survey by airplane..... there is no one here who won't suffer a big loss in their land.

LAMBERT: Let me answer your question like that Mr. Yardley. Yes, there is an error in acreage on what you are actually irrigating and we will most

certainly correct that. ~~We've gone through a period here of time and so~~
~~XX~~
~~during this period~~
~~XXXXXXXXXXXXXXXXXXXX~~

YARDLY: We've gone through a period here of time and so during this period
time we have come through a period of _____ and so during _____ some
of this outside property here.....

LAMBERT: cannot understand

YARDLY: ~~xxxx~~ No, you reduced; most of that.

LAMBERT: Alright if that is the case, if there is an error there, then you
should ~~h~~ get ahold of Mr. Stoker or Mr. Melling and we will iron an errors
in acres out. But any water we award will have to be backed up by acreage
defined on the map. Now I don't say it had to be irrigated _____.

YARDLY: On the new map or the old?

LAMBERT: on the new map

YARDLY: But we want this taken back to the original.

LAMBERT: Wait a minute, now, you can't maintain a right exdept by use and
you would have to have some proof that that water had been used on such and
such a land before we can let you have it.

~~XXXXXX~~ YARDLY: /..... previous to that. There has been a lot of
that land that has been used.

LAMBERT: Well does the _____ show that it has been used though?

.....LAMBERT AND YARDLY..... cannot understand

LAMBERT: If it has been reduced in error then the corrections will be made,
but if it has not been reduced in error of course then it would be up to the
proof of the individual that the acreage is wrong. But we stand ready to
correct any errors that we ~~m~~ have made. We are not trying to perpetuate an
error.

YARDLY: We have got to have this corrected, because before you finalize this
thing this Cox Decree dates back to 1930 which determines these rights,
is that right?

of 1930

LAMBERT: Of course, the Beaver River Decree/is incorporated in this decree and when this becomes final then this is the Decree on the Beaver River

YARDLY: How long before you guys are going to change the decree.

LAMBERT: Oh, you don't change a decree

YARDLY: When you make these determinations for this ~~Box~~ Cox Decree, it's your decree.

LAMBERT: Well, now wait a minute, you don't change a decree, we now have the charge of ~~xxx~~ setting a duty of water that wasn't put in the old decree, that is the only thing that has been added and we are also charged ^{if} ~~with~~ there is a water right in a decree and the one that this will be filed will be the same would be subjected to the same thing in the future. If the water rights have been lost by non-use it will be deleted. And any changes have to be incorporated in bringing these up to date. Now the big problem's been, it's gone so long. That's what is going to make it so difficult ~~to~~ to bring this decree up to date than some of the others. The policy basically is, if we have the money and the time, these decrees should be brought up to date every 5 years instead of ____ and we would have a lot less problem if we would bring them ~~up~~ up to date every 5 years. When you let it go 40 years like the Beaver River Decree has gone a lot of people who make these changes are old, they have died off so I don't know about it and you don't know about it, you may know a lot more than I do, but we then bring this up not only in errors, because there are a lot of errors in the old Beaver River Decree, and it will all be corrected. These old rights will be better protected in this decree than in the old one because it will be an up to date decree

_____(?)

LAMBERT: ~~Well~~ Well on the 4 ac.-ft. that isn't an established, that is only the past number of duty. Now when that is established as the duty then of course it won't be changed unless for good ~~xxx~~ reason. Of course, you can't say that a future court might not change it but you can say the Future State Engineer won't.

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YARDLY:..... before the closing period. Are you making the change yourself, or are you going through the legislature or how is that being changed.

LAMBERT: When this is finalized, and these ~~w~~ errors which you say are in it which of course need to be corrected and when this/other, these exceptions that have been proposed has been taken into consideration when it is finalized then the judge will sign it and it will become a decree. Until then it is an operating procedure under the old Beaver _____.

YARDLY: Well we /..... judge Cox Signed that Decree

LAMBERT: But here is the thing that you want to remember, after this has been finalized and we have gone through and corrected everything, that is the best Decree that we are physically able to make. And in ~~less~~ less than a year's time that is going to be changed. Not by the courts, but by the ~~the~~ people themselves. because they are going to apply changes that do this that and the other. And they are going to have to do that because that is the only way there will be any progress and there will be people that will transfer their rights from one person to another, there will be people that are going to break those rights up, we have one case up in Escalante area there we have 400 different rights, all of those have got to be kept in and kept current. But when this is finalized it is going to have to be reviewed all the time to keep it in good shape. Now I think the biggest problem here and the thing that is going to make our job more difficult and your job more difficult is that it has gone 40 years since this was written into a decree before, a lot of things have changed in 40 years, in fact it is difficult to tie some of these rights back to the proper ownership in this decree. All that has got to be corrected. we have water cases in the old decree where the point of diversion has always been cough. Well we have got better surveys than the old decree has. So therefore our decree or the decree now the Decree of the Beaver River should be a lot better document this time than the old one. And I would imagine if this is kept up properly 30 years from now it will be a better document than this is going to be. But that

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is the way you are protected, is by keeping these things current. by keeping all of these title things current.

YARDLY: Well, how fast are you going to move on this _____?

LAMBERT: I just said a few minutes ago we are not going to move too fast right now because.....

YARDLY:(?)

LAMBERT: That is the foundation but before we want to finalize that these information we want to find, now we have been, some have come up and said certain ditches had certain unusual & situations such as diverting water up o on these old Lake Terranes and that kind of diverting has created a different kind of situation than ~~xx~~ when ;you divert water down on the flood plane of the Beaver River. Now they need to know just what is that difference so we can incorporate it and protect the person. We are not trying to hurt anyone.

YARDLY: I don't know whether you are helping us or hindering us.

_____:)/) (?)

LAMBERT: Oh yes, I'll say, this was ordered back in 1940. In fact they said that we will not adjudicate the Milford Valley and _____ the Sevier Lake without all it's tributaries. And this is one of it's tributaries. Now the reason we have left th is to the last is because this had a decree and we felt we could... it is better to have a decree of some kind than to have no decree. That is why you were left to the last otherwise we should have been moving ~~xx~~ on this 30 years ago, so you can blame us really for being 30 years late, but if you ~~xxx~~ ~~xx~~ blame me directly, I'll turn around and blame ~~x~~ the legislature and say that I couldn't get enough money and personnel to do it.

_____: I ~~wasn't~~ wasn't blaming you I was just trying to ~~xxxxx~~ answer to Roy's question, that it was on direct court order that you were to adjudicate.

LAMBERT: Oh yes. It was to bring this decree up to date and ~~xx~~ correlate it with the other decree. Which were never decree files.

_____: The thing..... 4 ac.-ft. too.....

LAMBERT: Of course, all of the old decrees don't mention a duty but all the new decrees have to.

_____: (?)

LAMBERT: Oh I see, that is just something that when water gets tighter you get duty and some people feel that that is a bad thing, but really it is a good thing because it protects them better than they have ~~h~~ ever been protected before .

MARK WILLSON: Every time 2 or 3 people decide we have to change the water situation they have a re-adjudication.

LAMBERT: First you are saying that it ~~is~~ a re-adjudication, which it is not secondly you are saying somebody is smart to do this. I don't know about that I have never felt they ~~were~~ were smart about any of this but as far as keeping your records up to date they have to be kept up to date. If you sold you farm and because you have a deed once and that property is sold 20 times don't you think you are going to have to keep that record of the 20 sales. Alright that is the same as a water right. Dont you want that record kept? You want to have your water right protected don/t you? That is exactly what this is, it's a protection to you and what has it cost you to protect yourself of it.

_____: It cost two or three wells and a lot of money.

LAMBERT: What loss would you have on this new adjudication now?

_____: We've got to keep ----- of out water again.

LAMBERT: In fact the State of Utah is the only state ~~a~~ in the West that tells an applicant that he has got to ~~for~~ go farther and prove his right to appropriate water that the older right doesn't have to _____ farther first/ In every State but Utah, ~~kk~~ if they are not _____ to file for more water. They consider the applicant the privledge the person who has the water right has to defend it and I know in some other states there are

is a guy for 30 years who has defended his water right 30 times. You don't find that in Utah do you?

_____: That is the question I had, how ~~often~~ often have we got to come forth to defend our right?

LAMBERT: It's going to be as long as necessary, just like if you have to acquire a title to a piece~~k~~ of ground you have to go to court to file. The better job you do on this the less often you are going to have to do it. This is all protection to you this isn't anything trying to hurt you in fact we are trying to protect you. If you want to let everybody in the ~~f~~ valley drill a well, why should I concern myself with your water rights, why should I take the trouble to write a water determination, that is not fun you don't do that like ;you go down to Las Vegas. These darn things are work.

_____: I am wondering if you realize the enormity and difficult situation that you are moving into in this valley in trying to set a 4 ac.-ft. on it. now of course bringing the water rights up to date and establishing water rights, I am fully for it, I think everyone here is so it will just be an up to date decree. But when you try to establish 4 ac.-ft. per acre this is going to be so concentrated that I don't think it ~~is~~ can possibly be done satisfactorily. If a person has bought a piece of land down here they gave us 700 or \$1,000 an acre for it because of the water that's come into it. You are going to have to cut the whole economy of the land.

LAMBERT: I doubt it very much.

_____: For example we have to have _____ ac.-ft. of water on their land above here in order for us to pick it up 5 times when we use it in the lower country.

LAMBERT: Well I have already covered that, that will have to be considered.

LAMBERT: Let me answer you ~~am~~ in another way now. I presume here in Beaver Valley you ~~am~~ want development you will want changes lets go to your sub-divisions, you cannot file a change, you cannot file~~d~~ water and make a proper change on water in a sub-division. If you don't have an evaluation in ac.-ft. you are stymied right now.

_____! I'm not opposed to it if you won't put a limit on it.

LAMBERT: Well, you have to set a limit.

L_____! What I am trying to say is, you say that 75,000 ac.-ft. of water comes into this valley.....(?) about 45,000 ac~~ds~~ of irrigated land So we are getting by with approxima tely 2 ac.-ft. of water on our land, which is probably the most efficient irrigation system in the S_tate of Utah. What if we ~~am~~ decide we oug ht to be out on this ditch underground and put it ~~is~~ on our ground. As long as we are getting the efficiency in the Valley why do you want to upset the system which we are already/^{using}~~xxxxxx~~ which is .

LAMBERT: Nobody is upsetting the system.

_+_____ :..... 4 ac.-ft. and you know you will.

LAMBERT: No, No, No, I don't know anything about that.

_____ : Let me tell you one more thing, I can prove it by 20 ft. of irrigation along this highway here. In the spring of the year until there is water above it ~~xx~~ our streams are dry. Nothing comes up on our sloughs. If this man above us is set for 4 ac.-ft. he does put it on or he~~x~~ has to use a springling system to get it our grass would be entirely dry. We depend on him putting more water on there than what you say.

LAMBERT: What are ~~ga~~ you going to do when they sprink~~le~~ these benches instead of running water on them.

_____ : Then we are going to go bone dry. The land....

LAMBERT: You want to have a demand ~~before you have~~ for 4 ac.-ft. per acre, now you say you are only using 2.0 ac.-ft. You are arguing with me I'm too high here.

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_____ : We are saying we have got the most efficient system in the State why bother with it.

LAMBERT: No. you haven't got the most efficient system in the State. But we want to protect ;your water rights as they are.

_____ : Why do you say you want to protect us when none of us want to be protected.

LAMBERT: I don't think that is a true statement. I wouldn't have to ever come down here o r we wouldn't have to ~~æ~~ have a commissioner if that is the case. Lee you are out of a job if nobody wants to be protected. Is there anyother questions or comments.

_ _ _ _ _ : Mr. Lambert you said these recreations that they desired to get ~~from~~ the water they would have to purchase a water right that is already available. Say a person purchased some water rights in this valley and they wanted to transfere it up on the mountain somewhere. And their amount of water they take it out of one of those streams up there. What effect will it have _____ won't it effect all the turns here.

LAMBERT: That's one thing that has to be considered on ~~anyone~~ every application that's why I've told all my area engineers that on these transes they should be made to as close as possible to the source of water and if they ~~move~~ move it from one place to another and hurt somebody then of course the move may be turned down. I'm not saying if they purchased the water they would still have the right to do this, but they have to still go through procedure and you have the right of protest. Now I think you all want that right of protest. And that isn't trying to take anybody's right away from them, it's trying to protest them. Then if it is protested we will have a proper hearing and then we will have to make a proper rule. But I think no matter what I would do or what you do or what anybody else does this world of ours doesn't stand still and you have got to set up a mechanism that will ~~and~~ handle these particular things because recreation now is getting to be a

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tremendous thing in the State of Utah. Since the last report is it's the second biggest industry in the State. It's even bigger than agriculture now. 20 years ago it wasn't, but it is now. You are not going to say you have got to adjust this thing, you've got to put up the mechanics and still protect the old rights as far as we can and that is what the State Engineer is for to protect old rights and that is what ~~is~~ I'm going to do as long as I am in this position.

_____: (?)

LAMBERT: We'll allow ~~x~~ _____ to a protest, but you may run into some legal problems if you don't protest it in time. That is if it ever did go to court. Now, as far as we ~~will~~-are concerned we ~~x~~ will entertain and investigate a protest anytime. But now if somebody wanted to take it to court than that time element is important in the rules of the court but not in the rules of the ~~State~~ State Engineer, that is we want you to protest in time, because otherwise we would have ~~xxxx~~ chaos if we could get protests anytime they wanted to, but an honest oversight we certainly are not going to foreclose on that technicality.

_____: I just want to ask a question about how the water will be handled on regulating 4 ac.-ft. per acre. Now for example, the water comes out on top of these highlands along the spring of the year it comes out fast and towards the end of the year there is none,

LAMBERT: No, I, actually I think maybe you are misinterpreting the 4 ac.-ft. per acre, from what has been stated here, if you are only/actually getting 2 ac.-ft. per acre I'm not so sure but what you're that you are not even up to 4 ac.-ft. Now, I, we are not going to change the ^{processes} ~~prizes~~ unless it has to be to conform with these ~~x~~ changes that may be filed, ~~x~~ sub-divisions, golf course, they will all change the regu^yment of your hydrolog~~ists~~. If you want to be like it was in 1930 you have got to farm like you did in 1930, you got to live like you did in 1930.

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_____: Well, then there is one other question. "Where do you determine this 4 ac.-ft. is _____ or is diversion....."

LAMBERT: That's farming.

)_____: That farming .

LAMBERT: Now, that is what I've tried to explain. I said this diversion _____ didn't we haven't really settled on. In fact we ~~wouldn't~~ even put it in that book. You are reading that book wrong. It seems everybody seems ~~xxx~~ to be reading that wrong. We said that that diversion requirement would be ~~studied~~ studied. And then at a later time the State Engineer will recommend to the court what that might be. And we are going to get that just as close to what you are doing as we can. In the meantime people sell water and that water is transferred, people drill a well. Every time you drill a well you are changing the hydrologic _____ of the valley. Does everybody want to do away with all your wells in the valley. You can't go back to 1930.

_____: I was just wondering how you determined all this.

LAMBERT: Well now the 4 ac.-ft. per acre I think is a ~~field~~ head-gate requirement and I feel it's rather liberal. But maybe it will have to turn 8 ac.-ft. per acre or your flow right may ~~xxx~~ have to be a bit higher. Like in the canals that are used for recharge down in the valley here, and they maybe have people divert ~~xxx~~ more than 4 ac.-ft. per acre.

_____: Our benchland up here is a thin layer of soil and underneath is straight gravel and rock and it does take a tremendous _____ of water to

LAMBERT: Every place has got this kind of geologic situation .

_____: You'll take that in to consideration?

LAMBERT: Oh yes. We said we were going to study that. We never said that 4 ac.-ft. per acre would ~~cover that~~ cover that. In fact the 4 ac.-ft. per acre is ~~the water~~ the water that you can get down to your farm, not the water that is diverted at the point of diversion. We may have to give you considerable more. It may be that some day you are going to have to do certain things

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with that ditch. I don't know. You may want to. Some people like to concrete a ditch, if you do that you cut the recharge of your wells. You don't do anything without effecting the _____ of your hydrologic system in some way. The best thing the State Engineer or any administrator is attempt to keep the perfected rights as close to that as he can. Sometimes we do a good job of it and sometimes we do a heck of a job of it and get cussed and cussed. But I can tell you that nobody. Like I say nobody in the State gets cussed and discussed more than the State Engineer. But after so long you don't say much about it you just do the best you can. Are there any other questions?

_____: (?)

LAMBERT: Well, no actually the 4 ac.-ft. per acre is the field head-gate requirement would be what they would need to raise a crop on their farm. All these situations that they have recited have been diversion requirement problems that we haven't tried to even resolved.

ELDER FAITH: I'm here to enter protest on this morinings.....
We figured what we are using on BeaverCity, we are using now according to _____ a between 6 and 7 ac.-ft. on our farms. On our actual farms, and this if worked up to 4 ac.-ft. which a lot of people raise gardens and have lawns.

LAMBERT: In your particular case it is a protest against the 4 ac.-ft. s and we will of course work that out and do what we can.

EARL SMITH: We have a problem here in the can;yon. We hav e in the summer time a lot of campers and trailers who come along the creek and we don't have faciliteis there and they dump their sewage right in to the creek and take it down through our town and we would like to know what can be done about it.

LAMBERT: You are bringing up a question that is rather nation-wide and of course has caused a lot of development of ~~water~~ what is called the environment

and ecology. However, that is a department of Health problem however, and not the State Engineer's. I'm glad to be able to shrug one of them off. Maybe one of your solutions are perhaps the community here in the valley perhaps you ought to see that there are some facilities put there so they wouldn't do that. I don't think you are going to stop them from pulling over and camping, I think you are going to have to accept that pretty much. The department of Health is really who you should contact on that and get their advice.

EARL SMITH: Then= we have another problem up here in the Harris Ditch in the Willis Canal, a lot of the people who are building up there are putting small pipe in their ditches and just last summer it wouldn't hold the water so we washed one of them up and they put back in this _____ and they are filling up the ditch.

LAMBERT: A pipe, what do you mean, to get the water out of the ditch?

EARL SMITH: They want to get the _____ out of the ditch to where they are building the sub-division.

LAMBERT: Well they have got to get permission to do that.

EARL SMITH: Well they don't get permission what so ever, they just put one of those in there.

LAMBERT: Have you even told them that they have got to get your permission? Or do you just let them go ahead and do it?

EARL SMITH: Well, we kinda told them, but they just laughed at us.

LAMBERT: File an injunction and make an example of one and they won't laugh at you. You got to protect yourself on that.

EARL SMITH: We don't like to get bad relations with our neighbors.

LAMBERT: I know you don't like to have trouble with neighbors, I don't either but sometimes if you could ask them ~~xxx~~ and they cooperate with you then you wouldn't have that trouble. But if they aren't going to cooperate then you have no alternative but to put them in their place. Because you own the ditch and the structure, they have got to go through ;you. They can't defy

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you and they know it. They may try to bluff you but they can't defy you.
You are just too good-natured.

Floyd Carpenter from the Forest ~~Service~~ Service and I would just like to talk a few minutes on some different things Mr. Smith brought first on the stream. As most of you know three years ago we closed the mouth of BeaverCanyon, at that time we ~~had~~ got quite a repercussion from the people because we were doing it, but since this time our recreation on the district up has increased so greatly that in 1967 and 1968 we had 125 to 185,000 Thousand recreation visitors, 1968 - 1969 we went to 219,000 recreation visitors and this past year we are up 22% , 260,000 recreation visitors. Now what we plan on doing also working under Federal Water Commission and Basin Act to put sanitation facilities in some of these areas. The main area ~~at~~ we are concerned with right now is _____ Valley area where you well know that anywhere from 35 to 75 campers who pull along that stream in one day. We have the location picked out where we are going to put sanitation facilities in there to take them away from the streams to get them away from the stream as far as camping is concerned. We still anticipate some problems with ~~with~~ this, but if our finance comes through and we are able to do it we will move them off that stream.

LAMBERT: This is on the forest that you were talking about. I appreciate your contribution because if it is on the forest I think it is their headache as much as anybody's.

Orson Lowe: I think you partially answered my question at another time. I've noticed in our Beaver Paper for a number of issues for a number of applications that have been filed the ~~for~~ drilling of wells and I would just like to know the status of that and further to that point if you have granted them how much more granting are you going to do before you quit?

LAMBERT: I'm afraid we've got another meeting here I'm afraid we are going to have to cut this off. I think most of you had a chance to express yourselves and we appreciate your doing this because that gives us an idea of the

feeling of the people. Now. I will now give the policy of the State Engineer relative to the future development in Beaver Valley.

Policy

Beaver
There will be no more irrigation wells approved in the/valley . Now that is the same as it was in 1966. The wells that were approved in 1966 still have the right to go ahead under due diligence. Now that's been four years and I would say that the wells~~x~~ drilling in 1966 have got to complete their development within a very short time or their extensions will be denied. I am not at this particular time going to set a cut-off date. I haven't had a chance to talk to Gerald and Joe enough not to pick one out and unless they tell me that this has gotten down to a point where really is not much involved in the irrigation wells anymore. On domestic wells in 1966 I made this statement that I would encourage people to buy wells and move it for a domestic wells. But I would approve domestic wells as long as they were domestic wells a family at a time . We have had now two cases where this privilege, I don't know whether it is a privilege, it's better to get/the older priority water than to file a new application; but now we have decided that we no longer can permit the drilling of domestic wells except by transfer. Now, this couldn't anybody bonified user in BeaverValley because if he doesn't have another well he could transfer in or an ac.-ft. to move to another well we will permit him to take an ac.-ft. from his water supply. So anybody who has wells doesn't have a problem on that. But it will press all the people who don't have water in the valley to purchase water in order to make any development for domestic wells and of course that little sub-division is _____. Now, since this is a public meeting from this date, Sept. 30, 1970 there will be no more approval of wells anytime ~~x~~ in Beaver Valley at least until another public meeting and we feel there is a reason to it, that is any new development. Whenever we close basins down this way we attempt to be reasonable on changes and if you need to have a well or house well then you can make the proper change and get one, but you have to have something to start with you cant just come out in the clear blue and start making a

development. I will again reiterate and ask Gerald to hold to it as much as he can for you to purchase the water or move the water if you want it a shorter distance ~~thxxx~~ as is possible. Because the longer you go the more danger you have of interference with other guys he's never had before and that might cause us to reject the change. If it is going to hurt somebody and we are satisfied it will. Or it would require some type of compensation. Now, we will then on the pending domestic wells approve all the house wells that are filed one for each individual, only one well. Now there are several that have filed more than one domestic well. I don't know what your reasons are. We will approve one well for each person who has filed up to Sept. 30, 1970. and then from now on the only way you can any kind of a well is by change. Now that is the policy of the State Engineer. And the same way for stockwatering, we will approve all the stockwatering wells that are filed to this date. That doesn't mean you can come up after this meeting because it won't do you any good. If they weren't filed by 5:00 p.m. last night they won't be approved. Those that have filed for domestic wells in excess of one will be rejected. If there are no questions then the meeting will stand adjourned.



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
P.O. Box 506
622 North Main
Cedar City, Utah 84720

September 30, 1970

**DIVISION OF
WATER RIGHTS**

HUBERT C. LAMBERT
State Engineer

GERALD W. STOKER
Area Engineer

MEMORANDUM

FOR OFFICE STUDY

SUBJECT: SUMMARY OF UNDERGROUND WATER RIGHTS PERFECTED PRIOR TO
JULY 1, 1970 IN BEAVER VALLEY.

There are 162 wells in the Beaver Valley (Area 77) with the following uses:

IRRIGATION

Sole Supply:	1,739.92 acres	or	6,959.68 acre-feet
Supplemental Supply with Surface Rights:			
	<u>1,494.34 acres</u>	or	<u>5,977.36 acre-feet</u>
Total	3,234.26 acres		12,934.04 acre-feet

DOMESTIC

Sole Supply:	118 Families	or	86.11 acre-feet
Supplemental Supply with Surface Rights:			
	<u>3 Families</u>	or	<u>2.19 acre-feet</u>
Total	121		88.30 acre-feet

STOCKWATERING

Sole Supply:	128.32 acre-feet
Supplemental Supply with Surface Rights:	<u>744.38 acre-feet</u>
Total	872.70 acre-feet

MUNICIPAL & MISC.

Sole Supply:	940.63 acre-feet
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Total Use Sole Supply in Acre Feet	8,114.74
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Total Use Supplemental Supply in Acre Feet	<u>6,723.93</u>
	14,838.70

OFFICE MEMORANDUM DIRECTIVE

DATE:

TO: AREA ENGINEERS

FROM: HUBERT C. LAMBERT, STATE ENGINEER, AND
EARL M. STAKER, DIRECTING APPROPRIATIONS ENGINEER

RE: POLICY FOR ESCALANTE VALLEY - BEAVER VALLEY DIVISION

The State Engineer held a public meeting at the County Courthouse in Beaver, Utah on September 30, 1970, to discuss the water resources of the Beaver Valley Drainage Area and the past and present problems this office has had ^{CONCERNING} ~~on~~ the water supply, the demand of existing water users, and proposed new development. The policies set at this meeting by the State Engineer for this valley are based on the following information:

The underground water which leaves ^{FROM} ~~this~~ valley is ^{CONTRIBUTING TO THE} ~~going to help~~ supply the ^{UNDERGROUND} ~~underground~~ basin in the Milford Area which is declining and any further withdrawal of water within the ^{BEAVER} ~~Beaver~~ Valley will have an adverse effect on the ^{WELLS} ~~wells~~ within the Milford Area. All unapproved applications to appropriate water for irrigation purposes were rejected by the State Engineer on October 26, 1966. This action was the result of a meeting held in Beaver on September 23, 1966. This policy has been in affect since that meeting and therefore, only those filings made for 0.015 sec.-ft. of water for the uses of one family and stockwatering purposes have been approved. Because of the increasing number of domestic and stockwatering applications that have been filed in this area the State Engineer felt it necessary to hold another public meeting.

1. ~~The State Engineer declared at the meeting that~~ ^a ~~only one~~ 0.015 sec.-ft. application would be approved for each applicant with a pending, unapproved application on file. 2. He also stated that as of September 30, 1970 the

Beaver Valley would be closed to any further appropriation of water.

3. Therefore, all future applications filed to appropriate water within the Beaver Valley drainage area will be rejected.

4. *It is also to be noted that all future applications for water rights in the valley will be rejected.*

With the decision to close the valley the State Engineer indicated that future new developments in this valley would be made with existing water rights on which the point of diversion, place of use or nature of use is to be permanently changed, and that each change application would be considered on an individual basis with regards to its possible direct interference with other rights.

WJM/sm



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
September 22, 1970

HUBERT C. LAMBERT
STATE ENGINEER

TELEPHONE
328-5671

An informal meeting has been scheduled by the State Engineer in the Beaver County Courthouse, Beaver, Utah on Wednesday, September 30, 1970 at 2:00 P.M., to discuss the development and use of the underground water in Beaver Valley and to review the present policy concerning the appropriation of water. All water users and interested persons are invited and encouraged to attend.

Yours truly,

Hubert C. Lambert
STATE ENGINEER

Name Rep
J. Hood U.S.G.S.
Mortad Smith
Sumner T. Murdoch
Ar. Lipton Beaumont Clifton
Seldon Nowers Seldon Nowers
M. Van M. Hale

Alex. Bates
Stan. Valden Oakland

Thomas Muir
Wallace D. Gardley
Earl E. Smith East/T. Smith

Wm. H. Wood
Stanley McKnight Rockyford Drug Co.

Jeff Marshall " " "

Chas. Loring Leisure Sports Inc.

Hyrum J. Gee Beaver Co. Commissioner

C. T. Stephens

Arnold J. Low Kents Lake Res. Co.

Elmer Pace Mayor Beaver City

Mark Woolsey

Samuel C. Anson Gringford Utah

Clark W. Smith Beaver, Utah

Don H. Carpenter Forest Service

Waldo J. Ordley Beaver Utah

A. Bryce Montgomery - Div. of Water Resources

Henry A. Wood Beavers Utah

Marcell J. Warr " "

Ernest Hughes

Ray Bradshaw Manderfield Eng. Co. Sec.

Sherman Bradshaw

Label Bradshaw Manderfield along co.

Vivian

Wingard Edwards Greenville Co
del Strong

William S. Lehr

Poy yardley

Bill yardley

Sam M. Apple Beaver Ut

Gil Arbuckle

G. W. PATRICK.

Sheldon Roberts

Jordan Roberts

Leon Paine

Ronald Bradshaw

Frank Unty - Fremont Ranch

Bryce Dale Beaver Utah

Paul F Smith Beaver Utah

James B Morgan Beaver Utah

Leland Smith Beaver Utah

Evan Patterson Beaver Utah

Thos Dodds

Panguitch ut

Harry Howard

Beaver Utah

John Howard

Beaver Utah

Sam Hutchings

Beaver Utah

D. James Williams Greenville Utah

HCL
GWS
Em S
Wm G m
~~W~~ Woody Sandberg
Berit Szwedlehnust
Robert Brown
Eric Ballman

EMA

Box 414
Beaver, Utah
Sept. 21, 1970



Utah State Engineer
State Capitol Building
Salt Lake City, Utah

Dear Sir,

We would appreciate meeting with the State Engineer to have a hearing regarding several items over which we are deeply concerned.

We understand there are a good many applications on file for domestic water wells. We would like to know how these wells will effect the local water supply.

There is a recreational development under construction in Beaver Canyon. We want to know what they are doing about water and what they have been authorized to do through your office.

We naturally want all the protection we are entitled to under state laws.

Beaver River Distribution System

Earl T. Smith
Earl T. Smith, Sec.

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Ira Baldwin, Sr. P.O. Box 213 Beaver, Utah 84713	Mr. Neil K. Boyter 71 West Center Street Cedar City, Utah 84720	G. Allen & Joyce Gale Beaver, Utah 84713
Roger W. Barnes, M. D. 1700 Brooklyn Avenue Los Angeles, California	Mr. George Bradshaw c/o Harold Bradshaw Beaver City, Utah 84713	L. Clark Griffiths Beaver, Utah 84713
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c/o Mr. Bernard J. Walker
Beaver City, Utah 84713

Rees Jones Estate
c/o Mrs. Rees Jones
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Beaver City,
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Manderfield Irr. & Res. Co.
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Rocky Ford Irr. Co.
c/o Stanley McKnight, Sec.
Minersville, Utah 84752

Second So. Bench Res. & Irr.
Beaver City, Co.
Utah 84713

Second North East Bench Canal
Beaver City, & Irr. Co.
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Mr. Delvin Smith
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Mr. James H. Smith
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Mr. Blake Smith
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Mr. Paul J. Smith
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Parowan, Utah 84761

Herman E. Bayles
Parowan,
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John Gaylen Bayles
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Beaver Grazing Association
Beaver,
Utah 84713

Mr. Joseph D. Benson
Parowan,
Utah 84761

Mr. Charles F. Bentley
P.O. Box 173
Parowan, Utah 84761

Mr. Hyatt Bentley
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Mr. Kenneth W. Bills
1030 Bradborne Ave. Sp 23
Duarte, California

L. Homer & Wm. S. Boardman
c/o Wm. S. Boardman
P.O. Box 157
Paragonah, Utah 84760

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Leslie Brown et al P.O. Box 90 Santa Clara, California	R. E. Franklin 81-051 Alberta Ave. Indio, California 92201	Mr. Budd Munford P.O. Box 26 Parowan, Utah 84761
Earl Q. Bunn P.O. Box 473 Parowan, Utah 84761	Gurr Farms Company Parowan, Utah 84761	Mr. Fred R. Olson 832 Orange Drive Oxnard, California 93030
Mr. Charles F. Burton P.O. Box 32 Parowan, Utah 84761	Ms. Helen Hall Hurricane, Utah 84737	Mr. Hills Orton P.O. Box 293 Parowan, Utah 84761
L. D. S. Church Parowan Stake Parowan, Utah 84761	Mr. Clifton P. Halterman P.O. Box 68 Parowan, Utah 84761	Mr. Reed L. Orton P.O. Box 285 Parowan, Utah 84761
Mr. Charles H. Dalton P.O. Box 31 Parowan, Utah 84761	Mr. Lyle O. Halterman P.O. Box 143 Parowan, Utah 84761	Town of Paragonah Paragonah, Utah 84760
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Mr. Warren A. Dalton P.O. Box 97 Parowan, Utah 84761	Mr. Arlo S. Holyoak P.O. Box 2 Parowan, Utah 84761	Parowan City Corp. Parowan, Utah 84761
Day Farms Company P.O. Box 596 Parowan, Utah 84761	Mr. Glen S. Holyoak c/o Scott L. Orton Parowan, Utah 84761	Parowan Reservoir Co. Parowan, Utah 84761
Mr. Alma Evans Parowan, Utah 84761	Mr. Albin Judd Paragonah, Utah 84760	Mr. Alton Pendleton Parowan, Utah 84761
Mr. Arthur B. Evans Parowan, Utah 84761	Mr. Wallace E. Limb 500 North 300 West Cedar City, Utah 84720	Mr. Jess W. Pickett Parowan, Utah 84761
Mr. Carl T. Evans Summit, Utah 84772	Mr. William U. Limb 268 North 400 West St. George, Utah 84770	Mr. C. L. Robinson Parowan, Utah 84761
Mr. DeLaine Evans P.O. Box 451 Parowan, Utah 84761	Mr. Claude R. Lister P.O. Box 457 Parowan, Utah 84761	Leon D. & Kenyon D. Robinson Parowan, Utah 84761
Mr. Jay Lowell Evans P.O. Box 109 Parowan, Utah 84761	Mr. Joseph Edgar Lister P.O. Box 291 Hawthorn, California	Mr. Thomas D. Robinson Parowan, Utah 84761
Mr. William M. Eyre P.O. Box 125 Parowan, Utah 84761	Mr. George B. Loosely Parowan, Utah 84761	Mr. Clair W. Rowley c/o Glenn Halterman Parowan, Utah 84761
Mr. John M. Farrow Summit, Utah 84772	Mr. Donald Ray Lyman 1170 Nocturne Drive Salt Lake City, Utah 84116	Mr. ElRoy Stucki et al Beaver, Utah 84713
Mr. Lyle B. Farrow Summit, Utah 84772	Mr. Rulon M. Lyman P.O. Box 84 Parowan, Utah 84761	Mr. Roy M. Stubbs P.O. Box 355 Parowan, Utah 84761
Mr. Raymond Lee Farrow Summit, Utah 84772	Mr. Harold S. Mitchell Parowan, Utah 84761	Mr. J. Leonard Topham P.O. Box 193 Paragonah, Utah 84760

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Mr. David L. Wilkerson
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Mr. Gayle Wood
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Cedar City, Utah 84720

Mr. Keith Smith
Iron County Commissioner
248 West 400 South
Cedar City, Utah 84720

Promise D. Robinson
Iron County Commissioner
Parowan, Utah 84761

Dixie Leavitt
State Senator
154 North Main
Cedar City, Utah 84720

Mr. J. Harold Mitchell
State Representative
Parowan, Utah 84761

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Ogden, Utah 84401

Mr. Thomas E. Alford et al
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Room 435 State Capitol
Salt Lake City, Utah 84114

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Mr. Jay Boyter
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Mr. Nathan Bozarth
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Milford, Utah 84751

Mr. Ronald Bradshaw
Beaver,
Utah 84713

United States of America
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Fillmore Dist
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Mr. Gerald R. Delmont
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Mr. Robert E. Doll et al
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Mr. David L. Evans
8702 Dudman Drive
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Mr. Lee R. Fillmore
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Mr. LaVar H. Gale
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Mr. Harry Howard
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Beaver, Utah 84713

Mr. John Howard
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Mr. Elmer C. Johnson
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Mr. Billie Rose Kehr
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Beaver, Utah 84713

Mr. William Samuel Kehr
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Kenneth & John Yardley
Greenville,
Utah 84731

Mr. George B. Low
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Daniel A. Yardley
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Mr. Joseph Clyde Murdock
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Mr. Waldo Yardley
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Mr. Arthur McCahan
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Mr. Ellis E. Peek et al
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Mr. Edward Rebman Est.
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Sheldon & Gordon Roberts
c/o Mr. Sheldon Roberts
Beaver, Utah 84713

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St. Land Board
105 State Capitol
Salt Lake City, Utah 84114

B U I L D I N G

Mr. Bert Smithson
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Milford, Utah 84751

LeRoy Speirs
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Paul J. & Astrid Smith
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Mr. Edward D. Williams
4460 Alta Canyada Rd.
Lacanada, California 91011

335-351 Grant Esplin

351-354 Jim Hood

353-357 Elmer Paice

357-369 ^{Earl J.}
~~Earl~~ Smith

370-377 Boyd Carpenter - Forest Ranger

378-381 Orville Low

381-386 ~~Lambert~~ ^{Wallace Gardley} - ~~Policy~~

386 - Policy by Lambert

1. no new filings for filing
2. approved - but not complete should be diligent
3. domestic

a. no more - new appropriations

b pending domestic filings

1 well per individual filed up to now
others ^{with} more than 1 will be rejected.

DRAFT

HCF
EMS

July 14, 1970

Mr. Everett Hughes
514 North Cullen Avenue
Glendora, California

Dear Sir:

In reply to your request for a clarification of the policy regarding the appropriation of water in the Beaver Valley, Beaver County, Utah, the following statement is made.

In a public meeting held September 23, 1966, at the Beaver County Courthouse the State Engineer stated that there is no unappropriated water, surface or underground, that could be diverted without interfering with the existing uses in the Beaver River drainage area. The State Engineer also stated that additional diversions of new ~~WATER~~ would affect recharge to users in the lower reaches of the river. The State Engineer has continued to allow applications to be filed for domestic and stockwatering purposes in isolated cases where other sources ^{of water} were not available. These filings have been limited to the flow of 0.015 sec.-ft. of water, the domestic use of one family and a reasonable amount of livestock. ~~Since~~ ^{The} only reason for allowing ~~the~~ these filings in an overappropriated area was that they would be ^{SMALL} ~~simple~~ developments which, due to their small consumption of water, would not create noticeable interferences with other rights. ^{This} allowance will not hold for any type of subdivision with proposed

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development of more than one home.

water rights Subdivision developments must secure water by purchase *of existing* and *by proper* transfers, Favorable consideration of permanent changes in point of diversion, place of use, and nature of use under existing perfected water rights will be given in cases where interference is not a serious problem.

If you have any further questions regarding this policy or other matters, feel free to contact us.

Very truly yours,

Hubert C. Lambert
STATE ENGINEER

HCL/cp